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Date of Deposit: February 3, 2009

Attorney Docket No. CST-213  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Bacus, et al.  
Application Serial No.: 10/735,118  
Filing Date: December 11, 2003  
Title: Method For Predicting Response to Her-2 Directed Therapy  
Examiner: Goddard, Laura B.  
Art Unit: 1642  
Atty. Docket No.: CST-213  
Confirmation No.: 4570

**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8**

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, Central facsimile number: (571) 273-8300 on this 3rd day of February, 2009.

  
Lisa M. Pappalardo

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed September 4, 2008 ("Restriction Requirement") that has issued in the above-referenced patent application ("Application"), Applicants submit the following remarks: With the accompanying Petition for a Four Month Extension of Time, this Response is due on or before Wednesday, February 4.

This Response includes the following sections presented on the subsequent pages:

The Listing of Claims begins on page 2 of this paper.

The Remarks/Arguments begin on page 9 of this paper.

The Conclusion begins on page 11 of this paper.